

111TH CONGRESS  
2D SESSION

# S. 3227

To authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records.

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## IN THE SENATE OF THE UNITED STATES

APRIL 19, 2010

Mr. HATCH (for himself, Mr. LEVIN, Mr. BENNETT, Mrs. GILLIBRAND, Mr. KERRY, Mrs. SHAHEEN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving the Amer-  
5 ican Historical Record Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Much of the American historical record,  
9 such as evidence of births, education, marriage, di-

1        voice, property owned, obligations satisfied, and  
2        criminal conduct, is held at the State and local level  
3        by organizations that preserve the records that pro-  
4        tect the rights of the Nation.

5            (2) The United States has recognized the im-  
6        portance of history by its support of national institu-  
7        tions such as the National Archives, the Library of  
8        Congress, and the Smithsonian Institution. Yet, this  
9        support is not adequate to reach the rest of the Na-  
10       tion's archives being held in State and local histor-  
11       ical societies, archives, and library history collec-  
12       tions.

13           (3) More resources need to be directed to State  
14        and local organizations to ensure essential care of  
15        documents and archival records in their many forms  
16        so that they can be readily used by the people of this  
17        Nation.

18           (4) History connects people to community—  
19        whether the community is a family, a neighborhood,  
20        a city, a State, or a Nation. Connections to the past  
21        are essential to sustaining democracy, educating stu-  
22        dents, creating a sense of place in family and com-  
23        munity, supporting information needs in business  
24        and legal affairs, and making reasoned decisions  
25        about the Nation's future direction.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to protect historical records from harm, to  
4 prolong their life, and to preserve them for public  
5 use, through the use of electronic records initiatives  
6 and plans for disaster preparedness, recovery, and  
7 other preservation activities;

8 (2) to use historical records in new and creative  
9 ways to convey the importance of State, territorial,  
10 and community history, including the development of  
11 teaching materials for elementary, secondary, and  
12 postsecondary teachers, active participation in Na-  
13 tional History Day, and support for lifelong learning  
14 opportunities;

15 (3) to provide education and training to archi-  
16 vists and others who care for historical records, en-  
17 suring that they have the necessary knowledge and  
18 skills to fulfill their important responsibilities; and

19 (4) to create a wide variety of access tools, in-  
20 cluding archival finding aids, documentary editions,  
21 indexes, and images of key records maintained on  
22 Internet websites of State and local organizations.

23 **SEC. 4. AUTHORITY TO MAKE GRANTS.**

24 The Archivist shall make grants under this Act to  
25 States to carry out programs consistent with the purposes  
26 of this Act.

1 **SEC. 5. USE OF GRANT AMOUNTS.**

2 (a) REQUIREMENTS.—The Archivist may not award  
3 grants to any State under this Act unless—

4 (1) the State agrees to use grant amounts only  
5 to carry out programs consistent with the purposes  
6 of this Act;

7 (2) the State certifies the availability of State  
8 or private funds, or an in-kind equivalent, equal to  
9 half the amount of the grant to be awarded to the  
10 State; and

11 (3) the State ensures that grant amounts are  
12 used to supplement, and not supplant, non-Federal  
13 funds that would otherwise be available for those  
14 purposes.

15 (b) ADDITIONAL CONDITIONS.—The Archivist may  
16 require additional terms and conditions in connection with  
17 the use of grant amounts provided under this Act as the  
18 Archivist considers appropriate.

19 **SEC. 6. STATE ALLOCATIONS.**

20 (a) IN GENERAL.—The Archivist shall award grant  
21 amounts under this Act in accordance with this section.

22 (b) CALCULATION OF ALLOCATIONS.—The Archivist  
23 shall allocate funds made available to carry out this Act  
24 to the States as follows:

25 (1) 10 percent of the total available funds di-  
26 vided equally among the States.

1           (2) 82 percent of such funds allotted to the  
2 States on the basis of their relative total population,  
3 adjusted every decade based on the United States  
4 Census.

5           (3) 8 percent of such funds allotted to the  
6 States by geographic size.

7           (c) STATE GRANTS.—From funds allocated under  
8 subsection (b), the Archivist shall make grants to the  
9 State archival administrative agency of each State.

10          (d) REALLOCATION.—The State archival administra-  
11 tive agency shall return any funds received under sub-  
12 section (c) that the State archival administrative agency  
13 does not obligate within one year of receiving a grant, and  
14 the Archivist shall reallocate such funds to the remaining  
15 States in accordance with subsection (b).

16          (e) CONSULTATION WITH STATE ARCHIVISTS AND  
17 SECRETARIES OF STATE.—In carrying out this section,  
18 the Archivist shall consult with State archivists, State sec-  
19 retaries of state, or other appropriate State and local offi-  
20 cials who have administrative responsibilities for archival  
21 functions.

22 **SEC. 7. APPLICATION.**

23          The Archivist may award grant amounts under this  
24 Act only to a State that has submitted an application to

1 the Archivist at such time, in such manner, and containing  
2 such information as the Archivist may require.

3 **SEC. 8. REVIEW AND SANCTIONS.**

4 (a) ANNUAL REPORT BY STATE.—Each State receiv-  
5 ing funds under this Act during a calendar year shall pro-  
6 vide to the Archivist, no later than January 31 of the fol-  
7 lowing year, a report on activities supported by such funds  
8 during the previous calendar year.

9 (b) ANNUAL REVIEW.—The Archivist shall review an-  
10 nually the report provided by each State under subsection  
11 (a) to determine the extent to which the State has com-  
12 plied with the provisions of this Act.

13 (c) IMPOSITION OF SANCTIONS.—The Archivist may  
14 impose sanctions on any State for any failure to comply  
15 substantially with the provisions of this Act. The Archivist  
16 shall establish the sanctions to be imposed for a failure  
17 to comply substantially with the provisions of this Act.

18 **SEC. 9. ANNUAL REPORT.**

19 Not later than April 1 of each year, the Archivist  
20 shall submit to the Committee on Homeland Security and  
21 Governmental Affairs of the Senate and the Committee  
22 on Oversight and Government Reform of the House of  
23 Representatives a report describing the activities carried  
24 out under this Act and containing any related information  
25 that the Archivist considers appropriate.

1 **SEC. 10. DEFINITIONS.**

2 In this Act:

3 (1) STATE.—The term “State” means each  
4 State, the District of Columbia, Puerto Rico, the  
5 Virgin Islands, Guam, American Samoa, and the  
6 Commonwealth of the Northern Mariana Islands.

7 (2) ARCHIVIST.—The term “Archivist” means  
8 the Archivist of the United States appointed under  
9 section 2103 of title 44, United States Code.

10 (3) HISTORICAL RECORD.—The term “histori-  
11 cal record” means unpublished materials created or  
12 received by a person, family, or organization, public  
13 or private, in the conduct of their affairs that are  
14 preserved because of the enduring value contained in  
15 the information they contain or as evidence of the  
16 functions and responsibilities of their creator.

17 (4) STATE ARCHIVIST.—The term “State Archi-  
18 vist” means the individual mandated by law within  
19 each State with responsibility for managing the ar-  
20 chival records of State government.

21 (5) STATE ARCHIVAL ADMINISTRATIVE AGEN-  
22 CY.—The term “State archival administrative agen-  
23 cy” means the agency mandated by law within each  
24 State with the responsibility for managing the archi-  
25 val records of State government.

1 **SEC. 11. REGULATIONS.**

2       The Archivist shall prescribe any regulations nec-  
3 essary to carry out this Act.

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

5       There is authorized to be appropriated to the Archi-  
6 vist \$50,000,000 each fiscal year for 5 fiscal years, begin-  
7 ning with the first fiscal year beginning after the date of  
8 the enactment of this Act, to make grants under this Act.

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